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C O N F I D E N T I A L KATHMANDU 003023

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TAGS: PGOV PTER UN NP

SUBJECT: GETTING A SECURITY COUNCIL MANDATE FOR NEPAL'S
PEACE PROCESS

REF: KATHMANDU 3014

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d)

¶1. (U) THIS IS AN ACTION REQUEST -- see paras. 7-9.

Summary

¶2. (C) In discussions November 9 with Ian Martin, the UN
Secretary General's Personal Representative to Nepal, the

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Ambassador stressed the need for a strong UN Security Council
mandate to enforce the November 8 peace deal between the
Government of Nepal (GON) and Maoists (reftel). Without the
Security Council's authority behind it, the Ambassador said,
the peace deal's broad-stroke commitments alone would not
diminish fear of the Maoists or pave the way for free and
fair constituent assembly elections in June 2007. Martin
described his preference for a "two-phase" process to gaining
Security Council approval. Recognizing the urgent need for
arms management monitors to meet the ambitious November 21
deadline for Maoist fighters and arms to go into camps,
Martin thought the Security Council should be approached
first to mobilize Department of Peacekeeping Operations
(DPKO) military experts for arms monitoring. A broader
request, and second potential Security Council resolution,
detailing an expanded UN mission to assist in the lead-up and
conduct of constituent assembly elections next June could
follow later.

Status of UN Role in Arms Management

¶3. (C) On November 9, the Secretary General's Personal
Representative in Nepal Ian Martin told the Ambassador his
team recognized the November 8 agreement between the GON and

Maoists addressed the arms management process only in generalities. However, Martin believed this gave room to his team, including technical experts on arms management, to shape necessary details. He mentioned separate consultations his team had conducted with Maoist Supremo Prachanda and People's Liberation Army (PLA) Divisional Commanders, the Ministry of Defense and the Seven-Party Alliance (SPA) negotiating team. He planned to hold the first "tripartite discussion" between the UN and the two sides to hammer out the details of the UN's role on November 10. Martin emphasized that his team had stressed the importance of having "satellite" cantonments (three surrounding each of the seven primary sites) near primary sites so monitors would have easy access. He had heard some early discussion of gathering the PLA initially in the seven primary sites and then setting up the surrounding satellite sites. Martin added that he intended to use the GON's notional inventory of Maoists arms as a baseline to estimate the percentages of arms that the Maoists were storing - and what they might be holding back.

Towards a Security Council Mandate in Two Phases

¶4. (C) Martin stated that discussions at UN Headquarters were moving quickly toward an enhanced UN mandate to help implement the November 8 peace deal. Martin favored a two-phase process to obtain Security Council approval. Because of the need to move urgently on arms monitoring to meet an ambitious November 21 deadline for putting Maoist combatants in camps and their weapons under lock, he felt the Council should first be approached to approve the arms monitoring aspect. Council approval would be needed, he said, to mobilize the UN Department of Peacekeeping Operations (DPKO) to deploy military monitors. The question

of a Security Council resolution detailing the necessary aspects of a wider UN mission, including broader UN assistance for the lead-up and conduct of planned Constituent Assembly elections next June, Martin said, could be deferred as a second-phase issue. He felt a wider UN mission might require another assessment mission, further bilateral discussion in New York, and further political groundwork in Nepal, all of which could be mentioned in the Security Council's initial action authorizing monitors for arms management. Martin was vague on the exact timing for the two-phase process but thought the arms management UNSC action could come immediately with the development of a second, broader resolution taking an additional month.

Phase Two: What Could a Broader UN Mission Include?

¶5. (C) In terms of a broader UN mandate, the Ambassador raised the notion of counting back from the planned Constituent Assembly elections in June to determine what would be needed to ensure the people of Nepal felt safe enough to vote their consciences. Martin stressed the importance, as he did in his last meeting with the Ambassador on November 6, of getting as many international monitors on the ground as soon as possible, including arms monitors, cease-fire monitors, election monitors, and even advisory support for the police and other security institutions. What was required was a strong international presence in the countryside.

Ideas on Electoral Assistance

¶6. (C) Martin recalled how the August 2006 five-point GON-Maoist letters to the Secretary General had requested UN election monitoring as opposed to electoral assistance. He mentioned that the UN did not typically conduct election monitoring missions because a range of bilateral partners and NGOs such as the National Democratic Institute, the Carter Center, and the European Union often took this on. Martin said he felt more comfortable with the UN in a coordinating, advisory role serving as an umbrella body or information hub

for the range of deployed monitors. He also mentioned a model that was used in East Timor for election verification called a "certification body." It had included, he said, a three-member committee of recognized, neutral, foreign electoral experts that had passed judgment on the legitimacy of each step of the election process. Martin was unclear, however, whether such an arrangement would be acceptable to the GON and the Maoists.

Comment And Action Request

¶7. (C) It is vital for the U.S. to push to upgrade Martin's small Secretary General-authorized mission to one with a full blown UN Security Council mandate. The strong and explicit backing of the Security Council will be imperative to ensure that the Maoists adhere to the provisions of arms management and other peace agreements and to begin draining the fear of the Maoists from the people of Nepal. The tight timeframe stipulated in the November 8 agreement demands a near-term fix on arms monitoring. For this reason, we strongly urge an immediate U.S. request to the Security Council to mobilize DPKO monitors.

¶8. (C) Martin has overly narrowed UN support in the arms management process to monitoring compliance by the two sides. Questions, such as who will set up the camps, who will manage the camps, and who will provide food for combatants have gone unanswered. Other donors, especially the EU,

Norway and Japan, will have to be mobilized quickly to fill in these holes. Following the initial arms monitors request to the Security Council, we believe the U.S. should work closely with our key bilateral partners, in Nepal and New York, European capitals and New Delhi to craft a Security Council resolution that will delineate a broader and deeper role for the UN in the lead-up and conduct of Constituent Assembly elections.

¶9. (C) We assume that, at a minimum, Security Council action should:

- Congratulate the people of Nepal on the November 8 agreement.
- Note the August letters to the Secretary General by the Prime Minister of Nepal and Maoist Supremo Prachanda calling for UN assistance.
- Authorize immediate deployment of monitors to observe the arms management process.
- Note that attempts to access the arms would be a matter of grave concern to the Security Council.
- Authorize the Secretary General to dispatch a team to Nepal to report back within a month on all aspects of cease-fire and election monitoring, with a view to helping Nepal prepare for its mid-June elections.

MORIARTY